

REMARKS

I. Status of the claims

Claims 1 and 3-6 are pending. Claim 2 has been canceled without prejudice or disclaimer as to the subject matter therein.

The Applicant gratefully acknowledges the Examiner's statement at page 3 of the current Final Office Action that claims 1, 4 and 5 are allowed.

The Applicant also thanks the Examiner for her suggestions regarding the claim language for overcoming the objection to claim 3, and also the rejection of claim 6 for indefiniteness.

Claim 3 has been amended to delete the superfluous language "characterized by" as per the Examiner's suggestion. Claim 3 has further been amended to specify that the claimed method "comprises performing crystallization from an acetonitrile solution of 6-fluoro-1-methyl-7-[4-(5-methyl-2-oxo-1,3-dioxolen-4-yl)-methyl-1-piperazinyl]-4-oxo-4H-[1,3]thiazeto[3,2-a]quinoline-3-carboxylic acid by controlling its supersaturation concentration (g/100 g) to be from 2.15 to 2.36 at the time of occurrence of spontaneous **nucleation**," rather than "spontaneous nucleus." As with the amendments to the specification (see below), this amendment is made because "spontaneous nucleus" is not an art-recognized term, while spontaneous "nucleation" is. In addition, the Applicant notes that the term "spontaneous nucleus" resulted from a translation error when the priority application, which was in Japanese, was translated to English for the U.S. filing. This amendment adds no new matter.

Claim 6 has been amended to replace the language "a crystal of" with the term "crystalline," as per the Examiner's suggestion. This amendment is made for the purpose of more particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention. Thus, this amendment adds no new matter.

All amendments herein are made without prejudice or disclaimer as to all deleted subject matter. Applicants specifically reserve the right to pursue all deleted subject matter in one or more divisional and/or continuation application.

II. Status of the specification

The specification has been amended at pp. 7 and 8 to correct informalities noted by the Examiner. More specifically, the Examiner notes that the term “spontaneous nucleus” appears throughout the original specification, and suggests that this term be replaced with the correct “art-recognized” term “spontaneous nucleation.” Accordingly, this amendment was executed everywhere in the specification wherein the term “spontaneous nucleus” appears, namely at pp. 3, 4 (twice), 6 (four times), 7, 18, and twice in Table 1, which appears on page 17. The Applicant notes that the term “spontaneous nucleus” resulted from a translation error when the priority application, which was in Japanese, was translated to English for the U.S. filing. Thus, these amendments add no new matter.

In addition, the Applicant noticed that the word “crystals” was misspelled in Table 1 (p. 17) at the heading to column 4, and has corrected the spelling therein.

Finally, The Applicant also thanks the Examiner for her suggestions regarding the amendments to the specification submitted herein.

III. Objection to claim 3

Claim 3 is objected to because the Examiner believes the language “characterized by” is extraneous given what follows in the claim.

In response, the objected-to language “characterized by” has been deleted from claim 3, as per the Examiner’s suggestion.

III. Rejection under 35 U.S.C. § 112, second paragraph

Claim 6 is rejected as allegedly indefinite because of its recitation of the term "a crystal."
The Examiner suggests that this term be replaced by the term "crystalline."


In response, the term "a crystal" has been replaced by the term "crystalline," as per the Examiner's suggestion.

CONCLUSION

This application is believed to be in condition for allowance, which is earnestly solicited. If the Examiner believes there are further issues that could be advance by an interview or entry of an Examiner's Amendment, the Examiner is invited to contact the undersigned attorney.

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Respectfully submitted,

By 

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